



1771

Docket No. 5085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the patent application of Ulli

Serial No. 09/926694

Filing date: December 4, 2001

Title: Breathable Foil and Method of Manufacture

Group Art Unit 1771 -- Examiner Zirker

Commissioner for Patents
Washington, D.C. 20231

ELECTION

Sir:

We respectfully traverse the restriction requirement of October 31, 2002 to the extent that it requires an election between Claim 7 and claims 8-10, which are related as process and product made thereby.

Claim 7 is directed to application of a coating which comprises both uncoated areas and coated areas, whereby the coated areas on both surfaces are aligned opposite each other. The product claims 8 - 10 are directed to substantially the same invention; that is, the product can be made only by the process *as claimed*, and the process *as claimed* cannot be used to make other products, satisfying the test of MPEP 806.05(f).

We provisionally elect the claims of Group III (claims 8 - 10) ; however, we believe that claim 7 may properly be examined along with claims 8-10 in a single application.

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